

**MINUTES**  
**Regular Meeting of the College Park City Council**  
**Tuesday, April 9, 2013**  
**7:30 p.m. – 8:39 p.m.**

**PRESENT:** Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Catlin, Dennis, Stullich, Day, Afzali and Mitchell.

**ABSENT:** None.

**ALSO PRESENT:** Joe Nagro, City Manager; Janeen Miller, City Clerk; Suellen Ferguson, City Attorney; Chantal Cotton, Assistant to the City Manager; Bob Ryan, Director of Public Services; Miriam Bader, Senior Planner; Josh Ratner, Student Liaison

Mayor Fellows opened the meeting at 7:30 p.m. Councilmember Dennis led the Pledge of Allegiance.

**Announcements:**

Councilmember Kabir discussed the Good Neighbor Day event that was held on Saturday, April 6. He was part of the tree planting group. The NCPCA will hold their monthly meeting on Thursday night.

Councilmember Wojahn said the monthly basketball game of the police-youth Dream Team would be held on Friday at 7:00 p.m. at the College Park Community Center.

Councilmember Dennis said the Lakeland Civic Association would meet on Thursday at 7:00 p.m. at the College Park Community Center. He also discussed his participation in Good Neighbor Day, which was a partnership between the University of Maryland, City of College Park and the M-NCPPC.

Councilmember Afzali reminded everyone that the Downtown College Park Farmers Market will be open on Sunday.

**Acknowledgements:** Mayor Fellows recognized Kevin Young, president of the Berwyn District Civic Association.

**Amendments to the Agenda:** None

**City Manager's Report:** Mr. Nagro reminded everyone about the budget Worksession on Saturday. The City has received many complaints about the timing of the traffic signal at the intersection of US 1 and Cherry Hill Road. SHA reports that the new timing is due to changes being made to accommodate a pedestrian crosswalk that is to be installed on US 1, at the request of pedestrians. The right turn arrow is now independent of the left turn arrow. As a result, the right turn traffic light is shorter. SHA is continuing to study the situation.

**Student Liaison's Report:** Code of Student Conduct legislation will be voted on by the full senate on April 17. The state legislature approved funding for the College Park Academy. They are working to create a student advisory council for the CPA Founding Board. The SGA has

created WTF@UMD, which stands for “What To Fix” at the University. A common complaint is that there is no grocery store; SGA now runs a grocery store shuttle on weekends. Reserve your tickets for the Dalai Lama soon. The results of the SGA election will be announced on April 25. He played some music from the band that is headlining Art Attack, MGMT.

**Comments from the Audience on Non-Agenda Items:**

**Dave Dorsch, 4607 Calvert Road:** Said SHA did a terrible job on the recent repaving of US 1. Travel on US 1 is bad; the lights are not synchronized. There is no reason that this can’t be done. He suggests inviting the SHA District Engineer down here.

Council concurred with the problem and agreed with the suggestion to have SHA come back in. Councilmember Wojahn asked about the north College Park US 1 sidewalk study that SHA conducted. Staff will follow up.

**Consent Agenda:** A motion was made by Councilmember Wojahn and seconded by Councilmember Afzali to adopt the Consent Agenda, which included the following item:

**13-R-06 Resolution Of The Mayor And Council Of The City Of College Park, Maryland Adopting The Recommendation Of The Advisory Planning Commission Regarding Variance Application Number CPV-2013-01, 4706 Drexel Road, College Park, Maryland, Recommending Approval Of A Variance Of 3.65% Or 224 Square Feet From The Maximum Allowable Lot Coverage Of 30% Or 1875 Square Feet To Keep A Constructed Driveway**

**The motion passed 8 – 0 – 0.**

**Action Items**

**13-CR-01 Adoption Of 13-CR-01, A Charter Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending Article XI, § C11-6 “Special Taxing Districts” To Authorize A Special Taxing District To Finance The Capital And Operating Costs To Enhance Police, Fire Protection And Rescue Services**

**A motion was made by Councilmember Afzali and seconded by Councilmember Wojahn to adopt Charter Amendment Resolution 13-CR-01.**

Mayor Fellows said there would be no audience comments at this time due to the earlier public hearing.

Councilmember Afzali said we need to be very careful how we handle this moving forward; this is a tool for a community to use, not for the City as a whole. It is a good tool to have as long as it’s used cautiously.

Councilmember Wojahn said some residents on the north College Park listserv said they shouldn't have to pay for public safety because we have a university nearby. He pointed out that the University is coming to the table with a significant amount of resources by paying for expansion of the concurrent jurisdiction into certain parts of the City. He thinks it's reasonable that the residents in some way should share the cost. This is a tool in the City's tool box.

Councilmember Stullich said she would support this because it is enabling legislation but she has some reservations about using this tool. She has seen a lot of support from the University in the last year or two in efforts to increase public safety off campus.

Councilmember Mitchell also expressed some concerns and said it is a benefit and enabling for the Council but not necessarily for the residents we serve. She hopes it will be used to the right benefit.

Councilmember Kabir said this is nothing new and has been going on for many years in many jurisdictions. It is just a tool; we are not making a decision about imposing a tax at this time.

Councilmember Catlin is not sure if it will be a good idea but he will support it.

Student Liaison Josh Ratner said there is nothing in the Resolution to stop Council from creating a Special Taxing District without the consent of the residents. He wants to make sure the residents actually want the tax that is being imposed on them. He suggested another resolution to ensure that the residents of the area where the tax is imposed actually want the tax.

**The motion carried 8 – 0 – 0.**

**13-G-51      Recommendation To Approve With Conditions Detailed Site Plan DSP-12034 (Koons Property) At 8315 Baltimore Avenue**

Councilmember Catlin directed Council to a revised motion making a revision to condition #7 in the red folders and asked for an update from Staff. Ms. Ferguson said the applicant will request further amendments tonight.

**A motion was made by Councilmember Catlin and seconded by Councilmember Dennis to recommend approval of DSP 12034 subject to conditions. If these conditions are agreed to by the applicant, the City Manager is authorized to send a letter to M-NCPPC indicating that the City has no future plans for use of the Osage Street right-of-way adjacent to the property. Councilmember Catlin read the conditions into the record.**

Councilmember Catlin said the Planning Board will hear this case on Thursday, April 11, 2013. The former Koons Ford property located at 8315 Baltimore Avenue has been vacant for a number of years. The applicant is proposing to redevelop the site with a six-story, 156-room hotel with retail, a one-story pharmacy and 293 parking spaces including a 275-space three-level parking garage. The applicant met with the Berwyn District and Lakeland Civic Associations, both of which expressed concerns about increasing through-traffic on Pontiac Street. The

applicant agreed to provide signage to deter on-site traffic from using Pontiac Street. Since those are City streets, the City can control the traffic patterns.

**Comments from the Audience:**

**Chris Hatcher, Rifkin, Levitan & Silver, Attorney for the Applicant:** They have incorporated many comments from the civic associations into the plans. The applicant is requesting some amendments to the conditions in the motion: #7, include, “Prior to release of the building permit, the applicant shall coordinate....” Neither Staff nor Council had an objection to this request. #8, include, “Prior to release of the building permit, the applicant shall coordinate....” Neither Staff nor Council had an objection to this request. #10C, add at the end of that condition, “If it is determined that a temporary Use and Occupancy permit cannot be issued for this purpose, the applicant shall post \$50,000 in escrow (or Letter of Credit) before the issuance of the permanent Use and Occupancy Permit . The escrow (or Letter Of Credit) shall be released upon final LEED certification.”

Ms. Ferguson said this language was discussed just prior to the meeting. Staff has no objection to a provision like this but requests authority to wordsmith it to conform to standard City language. Ms. Schum believes a temporary Use and Occupancy permit is the best mechanism and believes it is possible, but alternate language is acceptable.

The final motion, with the amendments agreed to at the meeting, is:

- 1. Execution of an Agreement and Declaration of Covenants between the applicant, property owner and the City of College Park in substantially the form that is attached.**
- 2. Total development within the subject property shall be limited to development which generates no more than 129 AM peak hour and 246 PM peak-hour vehicle trips which include the reduction for pass-by trips for the proposed commercial uses.**
- 3. Prior to signature approval of the DSP, the applicant shall revise the site plan to:**
  - a. Show a striped crosswalk on Pontiac Street and Berwyn House Road at their intersection with Route 1.**
  - b. Show the installation of traffic control signs at the site access points with Pontiac Street that read, “No Right Turn Except Local Traffic.”**
  - c. Show a location for a proposed Bikeshare Station (11 docks and 6 bikes) that measures 31 feet in length and 6 feet in width. In the event that the location shown on the DSP for a proposed Bikeshare Station is not acceptable to the Capital Bikeshare Program or similar program operating in the City, then the applicant is not required to provide an alternate location and the requirement of this subparagraph shall be deemed to have been satisfied.**
- 4. Prior to signature approval of the DSP, the applicant shall revise the architectural drawings for review by the City of College Park and M-NCPPC as follows:**
  - a. Improve the landmark feature (tower) of the building to make it more prominent and visible by, for example, making it taller than it is wide, adding a roof structure and providing more ornamentation or detail.**

- b. Reduce the use of cast stone on the south building façade along Berwyn House Road to increase the percentage of wall area that is transparent windows.**
  - c. Increase the use of brick on the parking garage to better reflect the design of its associated buildings through the use of brick veneer on the precast concrete panels on all façade elevations.**
- 5. Prior to signature approval of the DSP, the sign plan shall be revised to:**
  - a. Remove the sign from the landmark feature on the west elevation.**
  - b. Eliminate the use of any wayfinding sign that is more than 5 feet in height.**
- 6. Prior to approval of a building permit, if the Capital Bikeshare Program or similar program is operational in the City of College Park, the applicant, its successors and assigns, shall pay the sum of \$45,000 to the City of College Park for the installation and operation of an 11 dock/6 bike station. If location on the subject property is not acceptable to the Capital Bikeshare Program or similar program operating in the City, then the Bikeshare Station will be located as determined by the City.**
- 7. Prior to approval of a building permit, the applicant should coordinate with the State Highway Administration to address the feasibility of providing an underground vault for the installation of public utilities. If the applicant does not underground utilities at the time of development nor provide for the undergrounding of utilities, the applicant shall consent to participate in a comprehensive program for the undergrounding of utilities being developed in conjunction with the active SHA project funded in the 2013-2018 Consolidated Transportation Program for the segment of the project from College Avenue to MD 193. Ad valorem or special taxes shall be calculated and levied in a reasonable manner that results in fairly allocating the cost of the undergrounding. The amount to be paid by the applicant under the program shall not exceed a total of \$200,000. If a comprehensive program is not established by 2020, this condition shall expire.**
- 8. Prior to approval of a building permit, the applicant should coordinate with SHA to revise the streetscape improvements along Route 1 to accommodate the proposed road reconstruction along the subject property frontage, in particular, to avoid the relocation of proposed street lighting and street trees shown in the existing right-of-way.**
- 9. The applicant and owner of the property shall reimburse the City for all costs of maintenance and operation of pedestrian street lights within the SHA and College Park rights-of-way and shall enter into an Agreement, in substantially the form attached, requiring reimbursement, which shall be recorded against the Property.**
- 10. The Applicant shall make every effort to achieve U.S. Green Building Council (USGBC) LEED-Silver certification under an applicable LEED 2009 rating system as required by the Sector Plan Development Standards for their retail and hotel buildings. The Applicant shall pursue LEED Silver certification through the Split Review process. Specifically the Applicant shall follow the process below:**
  - a. Prior to DSP certification, the Applicant shall:**

- 1) Register the project with the USGBC and provide a copy of the payment receipt.
  - 2) Designate a LEED-accredited professional ("LEED-AP") who is also a professional engineer or architect, as a member of their design team. The Applicant shall provide the name and contact information for the LEED AP to the City and M-NCPPC.
  - 3) Designate the City of College Park Planning Director as a team member in the USGBC's LEED Online system. The City's team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team.
- b. Prior to the issuance of a building permit, the Applicant shall submit the results of the USGBC's preliminary review of design-oriented credits in the LEED program. This documentation shall demonstrate that the retail and hotel buildings are anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain the minimum level of LEED certification.
- c. Prior to the issuance of the first use and occupancy permit, the Applicant shall provide documentation that the project has been certified LEED by the USGBC to the City of College Park and to M-NCPPC. If certification has not been completed, the Applicant shall submit certification statements from their LEED-AP that confirms the project list of specific LEED credits will meet at least the minimum number of credits necessary to attain LEED certification.

The appropriate regulating agency may issue a temporary use and occupancy permit to the Applicant until such time as LEED certification is documented. If it is determined that a temporary use and occupancy permit cannot be issued, a permanent use and occupancy permit may be issued by the appropriate regulating agency once an escrow or letter of credit in the amount of \$50,000 is established with an agent that is acceptable to the City of College Park. Said escrow agent shall hold the funds subject to the terms of this Agreement. The escrow (or letter of credit) shall be released to Applicant upon final LEED certification. In the event that the Applicant fails to provide, within 180 days of issuance of the permanent use and occupancy permit for the Project, documentation to the City demonstrating attainment of LEED certification, the entirety of the escrow will be released upon demand to the City and will be posted to a fund within the City budget supporting implementation of environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the City, that USGBC completion of the review of the LEED certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the proffered time frame may be extended as determined appropriate by the City, and no release of escrowed funds shall be made to the Applicant or to the City during the extension.

**Andrew Shuckra, authorized representative of Koons in this project:** He thanked the Council for their support. The process has been long but productive. He also thanked Staff for their efforts.

Ms. Ferguson referred Council to the revised Declaration of Covenants in the red folder. She was asked to change the references to the parties today. The reference now is to the owner, who is Crown Real Properties L.C. Keane Enterprises that is before you this evening represents that they filed the application for the Detailed Site Plan on behalf of Crown Real Properties and they will be merging with them once the DSP is approved. She requested Mr. Hatcher to confirm this on the record. He confirmed everything the attorney just said with respect to the relationship between Crown Real Properties and Keane Enterprises.

Councilmember Catlin asked Mr. Hatcher to confirm that the applicant will indicate their acceptance of these conditions when they go before the Planning Board. Mr. Hatcher said, “absolutely.”

**The motion carried 8 – 0 – 0.**

**13-R-07      Introduction Of A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Approve The Sale In Fee Simple Of 592 Square Feet Of Property Located In The Osage Street Right Of Way To Crown Real Properties, L.C.**

**A motion was made by Councilmember Dennis and seconded by Councilmember Catlin to introduce Resolution 13-R-07, A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, To Approve The Sale In Fee Simple Of 592 Square Feet Of Property Located In The Osage Street Right Of Way To Crown Real Properties, L.C.**

Ms. Ferguson said this Resolution is being introduced but not adopted tonight because of the requirement that there be public notice of 20 days prior to the transfer of real property and to make sure there are no bumps in the road when this goes before the Planning Board. This will come back for adoption on or after May 28.

**13-G-52      Approval Of A Letter To The Prince George’s County Council On M-NCPPC Formula 2040: Preliminary Functional Master Plan For Parks, Recreation And Open Space**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Kabir that the City Council submit a letter to the County Council with City Comments on Formula 2040, the Preliminary Functional Master Plan For Parks, Recreation And Open Space.**

Councilmember Wojahn pointed out the revised letter in the red folders. The revision was requested by a resident to encourage Park and Planning to enhance programming for teens during the summer. M-NCPPC released a draft plan to guide the future of parks and recreation in the

County for the next 30 years. A joint Public Hearing with the Prince George's County Planning Board and County Council is being held tonight at the County Administration Building in Upper Marlboro. The plan proposes goals, policies and strategies and recommends actions in four categories: systems, programs, land and facilities. The overall vision addresses connectivity, health and wellness, and economic development.

There were no comments from the audience or from the Council.

**The motion passed 7 – 0 – 0 (Councilmember Catlin absent from the dais).**

**13-G-53      Appointments To Boards and Committees**

**A motion was made by Councilmember Wojahn and seconded by Councilmember Dennis to appoint Betty Rodenhausen to the College Park Housing Authority. The motion passed 7 – 0 – 0 (Councilmember Catlin absent from the dais).**

**COUNCIL COMMENTS:**

Councilmember Mitchell: Add to next week's Worksession the new County bill that combines CB-6 and CB-12. The hearing is April 17.

Councilmember Wojahn asked Mr. Ryan to address with District 1 Commander Major Brewer the new format for the weekly public safety report that lacks detail. He believes it is important to provide more detail, not less, to help the City make appropriate decisions such as the time and day of the week that crime is happening. This is not being included in the current reports.

Councilmember Wojahn also gave a reminder that April 30 is the next Public Forum on the ideas developed by the Neighborhood Stabilization and Quality of Life Workgroup. As a follow-up, Councilmember Mitchell asked what the timeline will be for the next steps. Councilmember Wojahn said any items that the City Council would be responsible for will come back to Council. Councilmember Stullich said the Council should have a Worksession soon thereafter to review the strategies and decide which ones to pursue. Councilmember Wojahn added that after the April 30 Public Forum the NSQLWG will meet and decide what their future role will be.

Councilmember Catlin announced that the Fishnet bill was signed by the Governor today. Mayor Fellows said that the Transportation Plan passed and will help US 1 and the Purple Line. There was discussion about the final status of state legislation now that the session is over.

**Adjourn:** A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to adjourn the meeting. With a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting at 8:39 p.m.

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Janeen S. Miller, CMC  
City Clerk

Date  
Approved